IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.139 OF 2007

Mr.Shambahadur D. Upadhya ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Mrs.Kranti Bhosale, adv. for the Applicant.
Mr.Y.S.Shinde, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 8th February, 2007.

P.C.:

1. Heard Ms.Kranti Bhosale, the learned counsel for the applicant and Mr.Shinde, the learned APP for the State.

2. The applicant, who was working as a cashier in Abhyuday Sahakari Bank Ltd. seeks anticipatory bail in Crime No.133 of 2006 registered at Rabale Police Station under section 406 of the I.P.C.

3. Prosecution case in brief is that, the present applicant had removed an amount of Rs.50,000/- from the branch. According to the applicant, in the evening of 21st January, 2006, the amount and currency notes were checked by the branch manager and they were found to be correct. On 23rd January, 2006, no shortage was detected. On that day, at 6.15 p.m., he left the branch

after obtaining permission of the branch manager. On the next day he could not attend the branch due to some personal work. On 25th January, 2006 at 8.00 p.m., the branch manager informed son of the present applicant on mobile that there was shortage of an amount of Rs.50,000/- and he had lodged report about theft of that amount. According to the applicant, initially, the branch manager had alleged that a bundle of 100 currency notes of Rs.500/- each was missing. However, later on he lodged another report dated 15th February, 2006 alleging that 5 bundles of currency notes of Rs.100/- each were missing. It appears that an amount was missing from ATM. The matter is almost one year old. In spite of opportunity given to the prosecution twice, the learned APP informs that police papers are not available to him nor the Investigating Officer has responded in spite of messages given to him repeatedly. Taking into consideration, the nature of the offence and discrepancies pointed out by the applicant in the prosecution case, I find that custodial interrogation will not be necessary and purpose will be served if the applicant is made available for the interrogation.

3. Therefore, in the case of arrest, in Crime No.133 of 2006 registered at Rabale Police Station on the report of the branch manager, Airoli, Abhyuday

Co-operative Bank Ltd., the applicant shall be released on his executing P.R.Bond of Rs.15,000/- with surety of like amount with the condition that he shall fully co-operate with the Investigating Officer in interrogation and investigation of the case. He shall not misuse the bail. In case, after investigation, charge-sheet is filed, he will appear before the competent Magistrate and seek bail as per the provisions of law.

(J.H.Bhatia,J.)